

United States Senate
WASHINGTON, DC 20510

March 1, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

In January, Senator Grassley wrote to the FBI lamenting the growing sense that the FBI has been weaponized against ordinary Americans. The letter pointed out that “numerous questions have been raised about the politicization of what should be completely neutral law-enforcement work.”¹ Little did we know that the next blatant example of the FBI’s weaponization against Americans would come so quickly. We are deeply alarmed at recent whistleblower reports that the FBI’s Richmond, Virginia field office, relying upon an extreme and thoroughly-discredited leftist advocacy group masquerading as a civil rights organization — the Southern Poverty Law Center (SPLC) — and certain leftist publications, issued a report that should strike fear in the heart of any American who values the sacred right to religious liberty enshrined in the First Amendment. With apparently little or no basis or supporting examples, and presumably with the full approval of his or her supervisors, an FBI intelligence analyst officially linked traditional Catholics, opponents of abortion and advocates for the traditional family, to violent strands of white supremacy.² The report suggested infiltrating the Church to find informants and gather information.³ Although the FBI withdrew this report quickly after public scrutiny was focused upon it – which was obviously the right move – its drafting, approval, and release proves yet again the crisis brewing within the FBI and its leadership, which time and again has failed to rein in such blatant bias.

¹ Letter from Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary, to Christopher Wray, Director, Federal Bureau of Investigation (January 27, 2023), on file with Committee staff.

² Kyle Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, UncoverDC (February 9, 2023), <https://www.uncoverdc.com/2023/02/08/the-fbi-doubles-down-on-christians-and-white-supremacy-in-2023/>; *see also*, Wall Street Journal Editorial Board, The FBI’s Catholic Canard, The Wall Street Journal (February 15, 2023), <https://www.wsj.com/articles/fbi-catholics-traditionalists-report-retracted-extremists-southern-poverty-law-center-72b817c9>.

³ Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, *supra*.

According to Mr. Kyle Seraphin, the reporter to whom the whistleblower provided the report and himself a former FBI agent, one of the appendices at the end of the report is copied directly from the SPLC list of “Radical Traditional Catholicism Hate Groups.”⁴ The SPLC, upon which the report relied, reportedly offers no instances of violence to back up its claims that traditional Catholics are aligned with white supremacist groups, and SPLC is notoriously inaccurate and irresponsible in its labeling of “hate groups.”⁵ Indeed, SPLC for years has lumped together truly violent neo-Nazi organizations with groups of orthodox believers who simply happen to disagree on the nature of marriage and the family, abortion, or other social issues, and has allegedly admitted that it excludes leftist violence from its focus.⁶ And this invites the question of why the FBI would ever use SPLC as a source when it consistently shows bias against conservative organizations.⁷ This is not the appropriate way to conduct an investigation or an appropriate use of taxpayer dollars.

The FBI memo comes as the Department of Justice (DOJ) apparently has been looking for reasons to marshal its vast resources against religious pro-life advocates. We expressed alarm in September of last year, when heavily-armed FBI agents executed an arrest warrant against Catholic pro-life activist Mark Houck for allegedly violating the Freedom of Access to Clinic Entrances Act (FACE Act) based on an altercation with an abortion clinic volunteer who allegedly was verbally harassing Mr. Houck’s 12-year-old son.⁸ Even though local authorities declined to press charges and the state complaint filed against him by the alleged victim was dismissed, the Department thought it necessary to arrest Mr. Houck at gunpoint in front of his terrified wife and children.⁹ At the conclusion of his trial, Mr. Houck was found not guilty of all

⁴ *Id.*

⁵ *Id.*; see, e.g., Nathan J. Robinson, The Southern Poverty Law Center Is Everything That Is Wrong With Liberalism, Current Affairs (March 26, 2019), <https://www.currentaffairs.org/2019/03/the-southern-poverty-law-center-is-everything-thats-wrong-with-liberalism>; Jessica Prol Smith, The Southern Poverty Law Center is a hate-based scam that nearly caused me to be murdered, USA Today (August 17, 2019), <https://www.usatoday.com/story/opinion/2019/08/17/southern-poverty-law-center-hate-groups-scam-column/2022301001/>.

⁶ Center for Immigration Studies, Overview of the SPLC’s “Hate Groups” List (last accessed February 22, 2023), <https://cis.org/Overview-SPLCs-Hate-Groups-List>.

⁷ *Id.*

⁸ Joe Bukuras, UPDATE: Mark Houck cleared of FACE Act charges in rebuke to Justice Department’s aggressive prosecution, Catholic News Agency (January 30, 2023), <https://www.catholicnewsagency.com/news/253477/breaking-mark-houck-cleared-of-face-act-charges-in-rebuke-to-justice-department>; Danielle Wallace and Jake Gibson, Pro-life activist Mark Houck Pleads Not Guilty to Federal Charges After FBI Arrest, Fox News (September 27, 2022), <https://www.foxnews.com/us/pro-life-activist-mark-houck-pleads-not-guilty-federal-charges-fbi-arrest>; see also, Letter from Ranking Member Charles Grassley, Senate Committee on the Judiciary, et al., to Merrick Garland, Attorney General, Dep’t of Justice, and Christopher Wray, Director, Federal Bureau of Investigation (September 28, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_republican_senators_to_justice_deptfbiarrestofprolifeadvocate.pdf.

⁹ Diana Glebova, Pro-Life Activist Arrested in FBI Raid Pleads Not Guilty to Federal Charges, National Review (September 27, 2022), <https://www.nationalreview.com/news/pro-life-activist-arrested-in-fbi-raid-pleads-not-guilty-to-federal-charges/>; Joe Bukuras, UPDATE: Mark Houck cleared of FACE Act charges in rebuke to Justice Department’s aggressive prosecution, *supra*.

charges, and news reports have said that the federal judge overseeing the case “raised the possibility that the case should never have been brought to trial.”¹⁰

Moreover, according to reports, since the draft opinion in *Dobbs v. Jackson Women’s Health Organization* was leaked in May 2022, there have been at least 130 attacks on Catholic Churches, which include incidences of arson, graffiti, and destruction of property.¹¹ Last year following the Supreme Court’s decision in *Dobbs*, Senator Grassley wrote to the FBI urging it to properly investigate the wave of violent attacks perpetrated by pro-abortion extremist groups around the country, which included acts of arson and vandalism against a Catholic Church in Reston, Virginia.¹² This memo from the FBI’s Richmond office instead focuses upon groups not even located in Virginia and creates the impression that the FBI has taken the opposite approach and is actively targeting rather than protecting those who practice the Catholic faith.¹³ This is unacceptable. The FBI’s limited resources are better spent investigating and arresting those responsible for the heinous attacks on Catholic Churches and pro-life centers around the country rather than trying to infiltrate and investigate Catholic Churches.¹⁴ The FBI’s most recent demonization of the Catholic Church is another in a long list of stark instances of the weaponization of the Justice Department to target American citizens who are exercising their constitutional rights. It is also further evidence of a worrisome pattern of years of politicization within the FBI.¹⁵

¹⁰ Joe Bukuras, UPDATE: Mark Houck cleared of Face Act charges in rebuke to Justice Department’s aggressive prosecution, *supra*.

¹¹ Tommy Valentine, Tracker: Over 280 Attacks on U.S. Catholic Churches Since May 2020 (last accessed February 20, 2023), <https://catholicvote.org/tracker-church-attacks/>.

¹² Letter from Senator Charles Grassley, Ranking Member, Senate Committee on the Judiciary, to Christopher Wray, Director, Federal Bureau of Investigations (June 27, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_fbi_-_abortion-related_extremism.pdf; *see*, Roe v. Wade-related arson, graffiti investigation underway at Reston church, INSIDE NOVA (June 26, 2022), https://www.insidenova.com/headlines/roe-v-wade-related-arson-graffiti-investigation-underway-at-reston-church/article_d8f38d72-f590-11ec-8f61-f3da0d569785.html.

¹³ Kyle Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, *supra*.

¹⁴ *See*, Nick Viviani, \$25,000 reward offered in firebombing of Madison anti-abortion office, *WEAU 13 News*, (January 19, 2023) <https://www.wEAU.com/2023/01/19/25000-reward-offered-firebombing-madison-anti-abortion-office/>; *see also*, Valerie Richardson, Antifa fears spike after arrests in Jane’s Revenge attacks on pro-life facilities, *The Washington Times* (January 31, 2023), <https://www.washingtontimes.com/news/2023/jan/31/antifa-link-casts-janes-revenge-attacks-pro-life-c/>.

¹⁵ Judiciary Republicans, Home-State Senator Demand Explanation for Dawn Raid on Pro-Life Activist Family Home (September 28, 2022), <https://www.grassley.senate.gov/news/news-releases/judiciary-republicans-home-state-senator-demand-explanation-for-dawn-raid-on-pro-life-activist-family-home>; FBI Possesses Significant, Impactful, Voluminous Evidence of Potential Criminality in Biden Family Business Arrangements (October 17, 2022), <https://www.grassley.senate.gov/news/news-releases/fbi-possesses-significant-impactful-voluminous-evidence-of-potential-criminality-in-biden-family-business-arrangements>; Whistleblowers’ Reports Reveal Double Standard in Pursuit of Politically Charged Investigations by Senior FBI, DOJ Officials (July 25, 2022), <https://www.grassley.senate.gov/news/news-releases/whistleblowers-reports-reveal-double-standard-in-pursuit-of-politically-charged-investigations-by-senior-fbi-doj-officials>; Letter from Senator Charles Grassley, to Merrick

So that we may conduct thorough and independent oversight of this report and FBI's practices related to intelligence reports that implicate religious liberty or other fundamental rights, please respond to the following questions and information requests no later than March 15, 2023:

1. Please provide a full and unredacted copy of the withdrawn intelligence report at issue;
2. Please provide all correspondence between the intelligence analyst who issued the report and anyone of higher rank in the DOJ or FBI related to the report, including the process for its approval;
3. Please provide all DOJ and FBI policies related to preparation and dissemination of such reports, including guidelines for making sure they are properly sourced and do not infringe upon fundamental rights, such as the freedoms of speech and religion;
4. Please provide an unredacted copy of all reports issued within the FBI or DOJ within the past five years alleging a link between any primarily-religious or conservative association or entity and violent extremism;
5. How was a report that FBI now says did not meet its standards able to gain approval, and will there be any training, counseling, or disciplinary action for the agents involved in its dissemination?
6. Was the Richmond report disseminated outside the Richmond field office? If so, to whom and for what reason?
7. What is the DOJ and FBI's policy on using the SPLC as a source, and are there any other reports currently used that rely upon SPLC? What is the DOJ and FBI's policy on using other sources that the report relied upon, such as Salon and The Atlantic?
8. Can you assure us that no further action, investigative or otherwise, will be taken regarding traditional Christians or other religious groups, where SPLC or similar unreliable sources are used or where the basis of the action is constitutionally-protected activity rather than specific threats of violence?

If you have any questions, please contact our staff at (202) 224-0642.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style and is positioned above a horizontal line.

Charles E. Grassley
Ranking Member
Committee on the Budget

A handwritten signature in blue ink that reads "Lindsey O. Graham". The signature is written in a cursive style and is positioned above a horizontal line.

Lindsey O. Graham
Ranking Member
Committee on the Judiciary

cc:

The Honorable Michael Horowitz
Inspector General
Department of Justice